

# Meeting Minutes

## July 7, 2005

### Town of Los Altos Hills

### City Council Regular Meeting

Thursday, July 7, 2005 6:00 P.M.

Town Hall Council Chambers, 26379 Fremont Road

#### 1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the City Council Regular Meeting to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: Councilmember Craig A. T. Jones

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Joiner, Parks and Recreation Supervisor Jimmy Forbis, Public Safety Officer Steven Garcia and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to three minutes.

#### 2. APPOINTMENTS AND PRESENTATIONS

##### 2.1 Certificate of Appreciation – Santa Clara County Firefighter's Local Union #1165

Mayor Kerr presented a Certificate of Appreciation to the Firefighter representatives of Santa Clara County Firefighter's Local Union #1165. He thanked them for their generosity of time and terrific barbeque at this year's annual Town Picnic.

##### 2.2 Appointments to the City Council Ad-Hoc Planning Committee

Council had before them for their consideration applications from Planning Commissioners Bart Carey, Eric Clow, Ray Collins and Bill Kerns. There were two positions on the Ad-Hoc Planning Committee available. Following brief interviews, Council selected by ballot vote Planning Commissioner Bart Carey and Planning Commissioner Eric Clow to serve on the Committee.

##### 2.3 Appointments to the Environmental Initiatives Committee

Council had before them in their packet applications from Raj Reddy and Mark Jensen for appointment to the Environmental Initiatives Committee. John Harpootlian, submitted his application for Council consideration prior to the convening of the meeting. Following a brief discussion, it was determined that Harpootlian's application would be

considered at the July 21, 2005 Council meeting in expectation that their would be a vacancy on the Environmental Initiatives Committee.

**MOTION SECONDED AND CARRIED:** Moved by O'Malley, seconded by Mordo and passed unanimously to appoint Mark Jensen and Raj Reddy to the Environmental Initiatives Committee for terms of four years.

2.4 Presentation from Bullis Foundation Representatives Regarding Possible Strategies, Including Acquisition of Property, to Assist in Providing Public Education within Los Altos Hills

Chris Vargas, Co-Chair, Bullis Purissima Elementary School Foundation, introduced himself and explained that he was before Council to present a partnership proposal between the Bullis Charter School, the Bullis-Purissima Elementary School Foundation and the Town of Los Altos Hills titled the "Hills Education Legacy Project-H.E.L.P. Vargas reviewed his PowerPoint presentation with Council. It included: 1) a summary of the reasons that the Bullis Charter School would be an asset for the Town of Los Altos Hills; 2) the key elements of the proposal that included the financial commitments of the Bullis-Purissima Education Foundation, expectations of the Town's participation and Bullis Charter School's role; 3) identification of the benefits of the proposal to the Town; 4) site strategy for the K-6 public school; and, 5) a request for action. In conclusion, Vargas noted that the proposal would provide a neighborhood school for the Town's children, increased property values, an enhanced sense of community, and space for Los Altos Hills recreation programs.

Vargas thanked the City Council for their recent efforts to make an offer for the Bullis-Purissima School site and acknowledged that the response from the Los Altos School District had been terse and definitive. He noted that this was the preferred site for a public school in Los Altos Hills, but because it was not available, the BCS site committee had reviewed approximately thirty (30) locations in Town over the course of the last twelve (12) months and determined that the property at 27525 Samuel Lane best suited their criteria. He requested that the town approve a site feasibility study for the property.

Council discussion of the proposal ensued. Vargas offered that the Town's participation for the school would be limited to the purchase of the land, which would include permanent ownership and title to the property. This asset could potentially increase in value and would provide recreational opportunities for the residents. The Bullis-Purissima Education Foundation would commit to an initial donation of \$1 million dollars for the purchase of the land and \$4 million to develop and operate a school. Vargas added that the information he had provided regarding the decrease in residential property values in comparison to the increased values in adjoining communities since the closure of Bullis School was taken from an article in the Palo Alto Weekly whose data was derived from the Silicon Valley Association of Realtors.

Council thanked Chris Vargas for his presentation.

3. PLANNING COMMISSION REPORT

- Pending Zoning and Site Development Permits

#### 4. CONSENT CALENDAR

**MOTION SECONDED AND CARRIED:** Moved by O'Malley, seconded by Mordo and passed unanimously to approve the Consent Calendar, specifically:

- 4.1 Approval of Minutes: Special City Council Meeting June 16, 2005  
Special City Council Meeting June 16, 2005  
Special City Council Meeting June 28, 2005
- 4.2 Review of Disbursements: 06/08/2005 – 06/27/2005 \$907,279.42
- 4.3 Dedication of Right-of-Way; Lands of Eshghi and Doroodian, 13530 Fremont Road Reso # 61-05
- 4.4 Approval of Agreement for Information Technology Support Services Reso # 62-05
- 4.5 Approval of Agreement for False Alarm Billing Services Reso # 63-05
- 4.7 Notification of Fast Track Approval: Lands of Jarvis, 23923 Jabil Lane (243-04-ZP-SD-GD); CEQA Status: exempt 15303 (a). A Request for a Site Development Permit for a 6,714 square-foot New Residence (maximum height 30')
- 4.8 Notification of Fast Track Approval: Lands of Padmanabhan, 13114 Maple Leaf Court (23-05-ZP-SD-GD); CEQA Status: exempt 15303 (a). A Request

for a Site Development Permit for a 5,745 square-foot New Residence (maximum height 27')

4.9 Grant of Open Space Easements: lands of Fang; 27053 Taaffe Road  
Reso # 64-05

Item Removed:

4.6 Resolution to Approve Installation of Audio Visual and Broadcast Equipment  
at the New Town Hall – Reso # 65-05

Councilmember Mordo requested clarification of the item. Mayor Kerr explained that the proposal, in lieu of a contract, had been reviewed and accepted by the New Town Hall Committee but not formally approved. He explained that Magic Wave had completed a majority of the installation of the Council Chambers audio visual and was not billing for the installation of the broadcast system. He recommended approval of the costs for the audio visual work completed and Council revisit the Broadcast system at a future date.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Warshawsky and passed unanimously to approve the proposal presented by Magic Wave for the installation of the audio visual equipment.

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Implementation of Strategic Conservation Goals

No report was presented.

5.1.2 Bringing Public Education Back to the Hills

No report was presented.

5.2 Underground Project Status Report

No report was presented.

5.3 Report on Fence Permit Administration

Planning Director Carl Cahill explained that at the direction of the City Council at their last meeting, staff had prepared a memorandum dated July 7, 2005 titled “ Fence Permit Administration”. He clarified that the report did not speak to the specific fence that had been previously discussed at tonight’s Council meeting under Presentations from the Floor and noted that if Council wanted a more definitive report on the fence, it would be appropriate to reschedule the discussion to permit the applicant an opportunity to participate.

Cahill reviewed the current fence application process with Council and noted that the Town had a very rigorous site development review process with public hearings for numerous types of applications with the exception of fence permits. He spoke to the small Town Planning staff that facilitates the process. Cahill added that staff was not opposed to a fence notification requirement, but was concerned about the staff workload. He offered comparisons with Woodside and Portola Valley fence administration procedures, noting their staff size and parcel numbers/ populations.

Councilmember Mordo expressed his concern that neighbors are not notified under the current fence permitting administration and suggested that notification would identify potential problems that could be mitigated prior to the issuance of permits. He suggested that this could prove to be a benefit to a small staff because it would alert them to problems that could be more easily and efficiently addressed. Mordo commented on the importance of maintaining the rural character of the community and open space to the Council.

Mordo questioned whether any modifications could be made to the fence (referenced in Presentations from the Floor/Sakamoto).

The City Attorney clarified that the property owner had the right to construct the fence. A permit had been approved, issued and paid for and the fence had been constructed compliant with the Code and it appeared that the City Council had no grounds for modification to the permit.

Following Council discussion, it was determined that the Council Ad-Hoc Planning Committee would use the "fence" as a case study/history for the development of a fence administration policy and procedure.

5.4 Request for Approval of an Agreement between the Town of Los Altos Hills, City of Los Altos and the Santa Clara Valley Water District for Noise Mitigation North of the West Edith Avenue Bridge as Part of the Adobe Creek Reach 5 Restoration Project -Reso # 60-05

City Manager Maureen Cassingham introduced this item to Council. She explained that Council had before them a multi-party agreement that would equally fund noise mitigation work as part of the Adobe Creek Reach 5 Restoration Project. The agreement called for noise mitigation at 400 Cypress Drive, Los Altos, as a condition for donation of necessary easements for the Adobe Creek Restoration Project. The cost for the work was a not-to-exceed \$30,000 with the Town of Los Altos Hills' share of \$10,000. The agreement had been approved by the Los Altos City Council at their June 28, 2005 meeting. Cassingham added that the City of Los Altos had agreed to waive all applicable fees for the project. Council had before them a revised agreement that identified the deletion of any Los Altos fees associated with the construction of the sound wall. Staff recommended approval of the agreement to permit the Adobe Creek Restoration Project to move forward.

Councilmember O'Malley spoke to the agreement, noting that he had been closely involved with the project during its duration. He reported that he had attended the last meeting of the Adobe Creek Collaborative. All participating agencies were in

concurrence with the agreement and the Council had approved it in concept in December. The project is scheduled for 2007.

**MOTION SECONDED AND CARRIED:** Moved by O'Malley, seconded by Warshawsky and passed unanimously to adopt Resolution #60-05 and approve the agreement for sound attenuation from Edith Avenue Bridge.

Susan Mandle, Adobe Creek Collaborative, thanked the Los Altos Hills staff for their participation in the year-long process and their many efforts in bringing the project to fruition. She added that residents of Los Altos and Los Altos Hills were appreciative of the support.

## 6. NEW BUSINESS

### 6.1 Report on the Town of Los Altos Hills Information and Safety Committee

City Manager Cassingham introduced this item. The staff report before Council was in response to direction from Council at the May 14, 2005 goal-setting session to "review and recommend the feasibility of retaining the Town's Standing Emergency Communications and Information and Safety Committee" and the feasibility of initiating a high technology committee. Cassingham reviewed the report with Council and outlined the charges of the three existing Committees that included safety services: the Emergency Communications Committee, Information and Technology Committee, and the Emergency Preparedness Committee. She noted the Committees overlapping charges that related to emergency planning, organization, communications and services. The Information and Technology Committee currently had a membership of two and was intended to have eight members and it had been difficult to fill the vacancies. Cassingham explained the Council's options that had been identified by staff relating to the Standing Committees. At this time, staff was recommending that Council postpone consideration of a new high technology Committee and revisit the concept in 2006 with the possible reconvening of the Ad-Hoc Information Technology Committee.

### OPENED PUBLIC COMMENT

Dru Anderson, Emergency Communications Committee Chair, suggested that it would be more productive for a small community like Los Altos Hills to focus their safety energies on fewer committees. Anderson offered that she supported incorporating the membership of the Information and Safety Committee into another Committee and explained that one of the requirements for membership to the Emergency Communications Committee was to be a licensed radio amateur or in training to earn a license. She questioned if the existing I&SC members would be interested in fulfilling this requirement and suggested that it was more appropriate to incorporate the I&SC membership into the EPC.

John Harpootlian, resident, suggested that the charges of the Information and Safety Committee were directed more towards safety issues than communications.

### CLOSED PUBLIC COMMENT

Following discussion, Council consensus was to sunset the Information and Safety Committee due to the overlapping charges and merge the existing membership into the Emergency Preparedness Committee with its broader safety charges.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Warshawsky and passed unanimously to sunset the Information and Safety Committee and merge the membership with the Emergency Preparedness Committee.

Staff was directed to extend an invitation to the two Information and Safety Committee members to join the Emergency Preparedness and return to Council with a revised Standing Committee Resolution that phased out the Information and Safety Committee.

## 6.2 Proposed 2006 Council/Staff Goal-Setting Session

Consensus of the Council was to schedule the 2006 Council/staff goal-setting session for March 24 and March 25, 2006.

## 6.3 Los Altos Hills General Plan Update

Mayor Pro Tem Warshawsky suggested that it would be appropriate for the Ad-Hoc Planning Committee to address the General Plan update concurrently with the planning issues that Council had charged them to investigate. He noted the recent letter from the Governor's Office of Planning and Research that notified the Town that the General Plan was older than the recommended ten (10) years.

Councilmember Mordo concurred that it would be productive to widen the charter of the Ad-Hoc Planning Committee offering that the planning issues could be resolved with the revised General Plan as a supporting document for new ordinances.

Mayor O'Malley commented that he would like to participate in the Committee with respect to the General Plan revision. He believed the historical perspective that he could bring to the review would be beneficial.

Council discussed the Special Meeting requirements that would be necessitated by adding a third Councilmember to the Committee. Council consensus was to have Councilmember O'Malley, resident Dot Schriener and Planning Director Carl Cahill focus on the underlying research and process for the General Plan update and to return to Council with procedural recommendations. Council would revisit Councilmember O'Malley's request at that time. The Ad-Hoc Planning Committee's charter would be amended to include the General Plan update and they would begin reviewing the fence administration process and the addressing the definition of a highly visible lot.

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Mordo and passed unanimously to direct staff to work with Councilmember O'Malley and resident Dot Schriener to document the process for updating the General Plan.

**OPENED PUBLIC COMMENT**

Dot Schreiner, Saddle Mountain Drive, supported Council's decision to begin work on the General Plan update. She reviewed the Town's previous efforts to update the General Plan and acknowledged that there was a wealth of information that had been previously produced.

#### CLOSED PUBLIC COMMENT

Council thanked Schreiner and appreciated her volunteering to work on the update project.

#### 6.4 Application for California Department of Parks and Recreation Department 2002 Per Capita Park Bond Funds

Mayor Pro Tem Warshawsky recused himself from consideration of this item due to the proximity of his residence to Westwind Barn and the potential for a conflict of interest.

Parks and Recreation Supervisor Jimmy Forbis introduced this item to Council. Council had before them a staff report that provided an overview of the Park Bond application and funding process and a copy of the completed application. The Parks and Recreation Committee had recommended approval and authorization of the project application on the basis that the development of paddocks would provide the required infrastructure for the Department's horse riding program. The City Council at their May 14, 2005 Special meeting endorsed the Committee's recommendation for the use of the Park Bond funds. Forbis explained that to apply for the Town's bond allocations from the State, projects must be submitted to the City Council for approval and thereafter to the State for review and approval. The Town would be responsible for the initial payments for the project and be reimbursed by the State.

Council briefly discussed the request for approval of the application submittal for \$153,590. Council consensus was that they were committed to the year round riding program and supportive of the application.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by O'Malley and passed unanimously to approve the project and submittal of the application to the State of California Department of Parks and Recreation for the 2002 Resources Bond Act-Per Capita Grant Program. (Mayor Pro Tem Warshawsky recused himself from the vote)

#### 7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

##### 7.1 Proposed Town of Los Altos Hills Golden Anniversary Celebration – Community Relations Committee

Roger Burnell, Community Relations Committee, presented an overview to the Council on the Community Relations Committee's recommendation regarding a proposed Town of Los Altos Hills Golden Anniversary celebration to be held on January 27, 2006, the date of the Town's incorporation. Burnell reviewed the potential venues, entertainment options, costs and publicity. He suggested the Los Altos Country Club with a full kitchen and capacity for approximately 25% more participants than the Fremont Hills

Country Club would be a preferred site. The Club had tentatively agreed to the Friday night event. It was noted that the venue was located in the unincorporated area of Los Altos. Burnell suggested that a minimum cost of \$50.00 per person be charged for the celebration and reservations be on a first come basis.

Council discussed the proposal. They directed Burnell to investigate additional venues that could potentially hold more guests and to increase the cost of the event. Council consensus was that due to the limited space for attendance at the January 27<sup>th</sup> event the 2006 Town Picnic also feature the Town's anniversary. This would be a more inclusionary celebration and ensure that everyone could participate

Council thanked Burnell for his presentation and the Committee for hosting the January 27, 2006 50<sup>th</sup> Anniversary celebration.

Roy Woolsey, Community Relations Committee Chair, thanked the Council for their direction. Woolsey explained that he wished to advise Council of several vendors that had not received payment for their services at the Town picnic and volunteer reimbursements. He requested special consideration for volunteers. Woolsey suggested Council consideration of Committee advances or credit cards.

Administrative Services Director Joiner reviewed the procedure for payment of invoices and vendor services. Council acknowledged that a municipality must adhere to standard business practices and maintain internal controls.

City Attorney Steve Mattas cautioned the Council on the issuance of credit cards and advancing funds to volunteers noting case law with regards to disbursing funds in advance of the receipts and before approval of the expenses.

Council consensus was to permit staff to review and administer the reimbursement process internally.

Burnell reported that he had several candidates for the Youth Commissioner position. He requested Council consideration of establishing an Associate Youth Commissioner position that would report to the Community Relations Committee and work in conjunction with the Youth Commissioner and potentially fulfill the vacancy when the Youth Commissioner graduates.

Council directed staff to forward the item for their consideration on the Consent Calendar at the next City Council meeting.

## COUNCIL REPORTS ON OUTSIDE AGENCIES

Councilmember O'Malley reported that he had attended the Adobe Creek Collaborative meeting and the Adobe Creek Restoration Reach 5 Project was tentatively scheduled for a 2007 start date.

Councilmember Mordo reported that he had attended the North County Library Authority meeting. They considered methods for increasing revenues for the library that included a possible new parcel tax when the special library assessment sunsets.

Mayor Pro Tem Warshawsky reported that he attended the Joint Policy Collaborative. The members are currently investigating two key issues: cell phone coverage and high speed Internet. He will keep the Council apprised of their progress.

Mayor Kerr reported that he had attended the VTA Board meeting. He advised the Board that the City Council did not support a sales tax increase at this time.

Mayor Kerr announced that he had scheduled a meeting with the new Los Altos School District Superintendent.

## 8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

## 9. COUNCIL-INITIATED ITEMS

9.1 Discussion of Town –Owned Property at Story Hill Lane/Page Mill Road-  
Mayor Pro Tem Warshawsky

Mayor Pro Tem Warshawsky reported that he had requested this item on the agenda following an exploratory mission with Councilmember Mordo to investigate cell phone sites on Town owned property. A site visit to the Story Hill Lane property prompted interest in the potential to swap the property that appeared to be only appropriate for residential development for a parcel that would be more useable for the Town's needs. It had been determined that the Story Lane property was not included in the Open Space Initiative. Council had before them a preliminary title report for the property.

Planning Director Carl Cahill explained the the parcel was a constrained lot and was within an open space conservation area. This did not restrict development on the site but would require development under highly regulated circumstances. Cahill suggested that additional research would be required to assess any original dedication restrictions or requirements.

Council discussed the options for “swapping” the parcel i.e. selling the land and using the generated funds to purchase a more appropriate piece of land.

Staff was directed to report back to Council on the mechanism that the Town received the property and advise the Council of any applicable restrictions on the land.

9.2 Discussion of Expansion of Cell Phone Coverage in Los Altos Hills –  
Councilmember Mordo

Councilmember Mordo offered that he initiated this item for Council discussion to facilitate the efforts of cell phone companies in expanding service in Town by identifying

the number of feasible locations to locate antennas. He suggested the development of a base map of town owned property and large parcels that could support cell tower antennas.

Planning Director Cahill noted that the majority of the mapping efforts would be performed by the Engineering Department and the Planning staff would provide existing antenna locations to facilitate the development of the map.

Council consensus was to direct staff to move forward with the base map.

Councilmember Mordo volunteered to work with staff on the project.

### 9.3 Discussion of Leash Law Enforcement – Councilmember Mordo

Councilmember Mordo explained that he initiated this item for discussion after receiving an email from resident Roy Woolsey and a picture of people walking their dog without a leash. Woolsey had lost two pet cats to an attack by an unleashed dog. Mordo expressed his belief that it was important to enforce the Town's codes and explained that this particular code was enforceable by citation from the Sheriff's Department.

City Manager Maureen Cassingham reported that staff has been proactive in educating Town residents with regard to the leash law. Public Safety Officer Steven Garcia had authored articles for the Newsletter and Town Crier and the City Clerk would be posting leash law information to the Town's website. The Town has been very diligent regarding dangerous dogs and in the past nine months, two dangerous animal hearings have been conducted resulting in serious consequences for the animals, including euthanasia for one and banishment from the community from the other. Cassingham added that via the Sheriff's weekly reports, she had garnered that they were taking appropriate actions and addressing violations in the normal course of their duties.

Roy Woolsey, Snell Lane, related the tragic death of his pets from an unleashed dog. He encouraged the Council to enforce the leash law and suggested that a Town wide mailing advising residents of the leash law and how to report a loose dog. Woolsey had provided Council with a photo of "walker's" and their off leash dog.

Council discussed the request. There was no consensus of Council to move forward with the Town wide mailing.

### 9.4 Discussion of Water Well for Irrigation Purposes Only – Councilmember O'Malley

Councilmember O'Malley initiated this item. He had reviewed the requirements for water wells and discussed the environmental impacts and health hazards with the County Environmental Resources Agency regarding irrigation wells, possible contamination and septic systems. O'Malley believed it would be best to defer the issue to the experts at the agency.

Council concurred.

## 10. PRESENTATIONS FROM THE FLOOR

## OPENED PRESENTATIONS FROM THE FLOOR

Jitze Couperus, Page Mill Road, invited Council and the audience to attend a release of rescued baby owls the following evening at Westwind Barn.

Jeremy Kelum, resident and public school student, addressed Council. He provided an overview of what the closure of his elementary school had meant from a student's perspective that included enrollment at four different schools in the past four years and the loss of friendships and encouraged the Council to support the BCS proposal.

Steve Bristow, Hilltop Drive, regarding the BCS proposal advised, the Council to proceed with caution. He voiced his concern that students from Los Altos Hills would not receive preferred enrollment to the Charter School and that Town funds (public funds) would be invested for the project.

Mary Davey, La Cresta Drive, resident and former Councilmember, encouraged the Council to embrace the proposal which would return a public school to Los Altos Hills.

Jim Abraham, Viscaino Road, explained that he shared the concerns of resident Steve Bristow. He questioned the impact of the proposed school on the neighbors and traffic in the area. Abraham offered that most residents in the Palo Alto Unified School District were happy with the schools.

Roger Spreen, Rhus Ridge Road, commented on his recent involvement with his child's Palo Alto preschool. He noted the sense of community that had developed around his participation and believed it would be advantageous for the Town and community to have a school in Town.

John Radford, resident, strongly supported the proposal presented by the BCS. He believed that it offered a positive financial opportunity for the Town. Radford suggested that this was an important step towards the redistricting of the Town for public education. He noted that a new district would be well funded by local property taxes. He urged the Council to move quickly on the proposal and to direct the Public Education Committee to investigate the redistricting procedure.

Marlin Miller, Taaffe Road, Co-Chair, Bullis-Purrisima Elementary School Foundation addressed Council. He thanked the Council for their efforts to return public education to the Hills. Miller noted that the Bullis Charter School had enjoyed many successes and there was a current momentum and donor funding commitments that would be advantageous to the funding of the proposed school. In response to the concerns raised regarding enrollment preferences, Miller noted that several options could be employed including dual charters with the Los Altos School District and the Palo Alto Unified School District. He encouraged Council to continue to work to return public education to Los Altos Hills.

Brad Lyman, Wildflower Lane, commented that he had been a member of the CPR committee that had sought a solution to returning public education to Los Altos Hills. Their efforts had not been very successful with little movement from the LASD. Lyman

supported the current BCS proposal and added that it was a positive solution for a school site that would not have any impact on the Little League fields and Town's riding ring.

Alice Sakomoto, Simon Lane, explained that she was before Council seeking a solution to a fence that had been constructed on a large parcel of land in her neighborhood. She distributed photos of the fence in question and stated that she did not believe the fence was in character with the rural nature of the Town or field property. She provided a timeline of the construction of the fence and her previous objections. Sakomoto was frustrated that the neighbors did not receive any notice of the fence. She expressed her concerns about the loss of views and wildlife access and requested a modification to the recently constructed fence to address these concerns.

Councilmember Mordo offered that the Ad-Hoc Planning Committee would be investigating the fence ordinance and different options for fence requirements in Town under their charter but he would like at this time to address the mitigation of the fence in question. He believed there was a systemic problem within the fence permitting process that could be resolved but wanted to pursue options for mitigating the discussed fence and its impact on the views and wildlife passage.

Mayor Kerr noted that it would be appropriate to defer this topic of conversation and discussions to agenda Item 5.3.

Alexander Atkins, Orchard Hill Lane, relayed a story of combat and battlefield heroism and offered that the community currently had heroes championing public education and the rights of children. He applauded the City Council for their stewardship to return public education to Los Altos Hills and the supporters and founders of Bullis Charter School for their dedication and commitment.

## CLOSED PRESENTATIONS FROM THE FLOOR

In response to the proposal presented by Chris Vargas, Co-Chair, Bullis Purissima Elementary School Foundation, Council directed staff to provide them with a site feasibility study, cost analysis and procedural report at their next meeting.

### 11. PUBLIC HEARING

#### 11.1 Site Development Permit and Conditional Use Permit for Purissima Hills Water District to Construct a New Operations Center; Lands of Los Altos Hills (Town Hall Site); File# 35-04-ZP-SD-CUP

Council had before them a staff report dated July 7, 2005 and site plans for the proposed project.

John Miller, John Miller Architects, applicant representative addressed Council. He explained that the proposed 1942 square foot facility was a replacement building for the Water District offices and would be located at the entrance to the Town Hall site. The building was designed in the same architectural style as the new Town Hall and would incorporate many of the design details including copper eaves. Miller spoke to the constraints of the building site and the construction operation plan that had been

developed to minimize the impact on Town Hall operations. Miller displayed a colored rendering of the front elevation of the proposed building.

Council requested additional clarification regarding construction worker parking and building material storage. Miller offered that the workers would park along Fremont Road and if necessary offsite; portable bathrooms and debris box would be near Concepcion and the construction fence would be on the property line. Water District allotted parking spaces would be used for the staging of the construction materials.

Planning Director Cahill explained that he had not had the opportunity to review the construction operation plan and that staff had imposed a condition of approval that required the plan to be reviewed and approved by the Planning Director and City Engineer. Cahill added that many of the parking spaces along Fremont Road are now central to the daily operations of Town Hall and would not be available for construction parking. This would necessitate the plan clearly identifying the spaces they intended to use and if appropriate space were not available, staff would require offsite parking.

The applicant agreed to the condition and reiterated that it was a challenging site.

Mayor Kerr asked if the applicant had considered participating in PG&E's energy "Savings by Design" program. This would be keeping with the Town's efforts to have an ecologically friendly and energy efficient municipal center.

Miller explained that they had made efforts to make the building energy efficient and proposed to use heavy insulation and high efficiency units. He spoke to the difficulty of employing some of the program's standards with the small rooms proposed for the facility but would address the issue with the owner but agreed to investigate the program.

Maurice Johnson, President, Purissima Hills Water District Board of Directors, addressed Council. He suggested that the District would be agreeable to reviewing the "Savings By Design" program and the District would be amenable to investing a not-to-exceed amount to incorporate the design program into their facility and if necessary to facilitate offsite parking for construction vehicles.

#### OPENED PUBLIC HEARING

Dru Anderson, Saddle Court, encouraged Council to approve the request for the new facility. As a resident and customer of the Purissima Hills Water District she supported their plans for a new facility.

#### CLOSED PUBLIC HEARING

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Mordo and passed unanimously to approve the requested Site Development Permit and Conditional Use Permit and findings for the Purissima Hills Water District to construct a new operations center subject to the conditions of approval in Attachments 1 and 2 with the conditions amended to add: 1) a requirement that the applicant participate in the PG&E "Savings By Design" program for a not-to-exceed net amount of \$3,000; and, 2) amend condition of approval #16 to include the direct ability that if determined by the

Planning Director and City Engineer that there is a necessity for offsite parking for the construction crews, the applicant will abide by the requirement.

The applicant agreed to the amendments to the conditions of approval.

11.2 Appeal of Abatement Action Pursuant to Municipal Code Section 6-501. (k)  
Ordering the Property Owner to Remove All Debris and unused Objects from  
the Site; 25619 Darling Lane

Public Safety Officer Steven Garcia introduced this item to Council. He provided Council with an overview of his staff report and the abatement action that ordered the property owner to remove the debris from the site. Garcia made a presentation of slides that showed the site at the time the abatement notice was issued and the present day condition of the property, noting that the resident had made considerable progress in clearing the debris but was still using garbage cans as a barricade to prevent vehicles from entering her property and using it as a turn around. He believed that these were unsightly and not appropriate as a method to deter vehicles. He referred to the Municipal Code for further clarification. He had suggested other more appropriate barricades to McCain that would not be unsightly. In addition, Garcia noted that a horse trailer was parked in the property's setback in violation of the Town's codes. He explained that this was not part of the Public Hearing or abatement action that was before the Council tonight.

Marilyn McCain, property owner, explained that some of the debris on her property was created by the removal of two large trees, old fencing and a deck. She spoke to her dilemma in preventing vehicles from entering her property and her difficulties in accessing her flag lot due to the street parking of tenants who board their horses on neighboring properties or rent rooms in their homes. McCain encouraged the Council to consider adopting an ordinance that would require adequate off street parking for occupants, tenants and businesses that a resident might employ. She believed the barricades were the only method she had of protecting her property and her ingress and egress on the flag lot.

#### OPENED PUBLIC HEARING

Floyd Kendrick, 25591 Chapin Road, explained the back of his property was the Darling Lane access that Ms. McCain had referenced. He had never seen the restricted access with the ingress and egress of her property.

Resident, 25630 Darling Lane, stated that she found the debris on the property unsightly and the garbage cans were not appropriate barricades.

Stephanie Munoz, Robleda Road, offered that she believed it was appropriate for a horse trailer to be parked on a property in a rural community.

#### CLOSED PUBLIC HEARING

Council discussion ensued. In response to questions from Council, Public Safety Officer Steve Garcia explained that he was recommending that the City Council uphold the abatement and require Ms. McCain to cease from using trash cans as a barricade on her

property. Council suggested that the property owner speak with staff if she wished to employ a more appropriate solution to prevent vehicles from accessing her property.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to deny the appeal and uphold the abatement action.

Passed by consensus of the Council to adjourn to the Closed Session at 10:40 p.m.

## 12. CLOSED SESSION

CLOSED SESSION: Pursuant to Government Code Section 54956.8: Conference with Real Property Negotiator -

Property: – 27575 Purissima Road APN 175-43-11

Agency Negotiators: Mike O'Malley and Steve Mattas

Under Negotiation: Price and terms for acquisition of property

The City Council reconvened to the Regular City Council meeting at 11:10 p.m.

The Council gave direction to staff. No action was taken by the Council.

## 13. ADJOURNMENT

There being no further business, the Regular City Council meeting was adjourned by consensus at 11:20 p.m.

Respectfully submitted,

Karen Jost, City Clerk

The minutes of the July 7, 2005 Regular City Council meeting were approved as presented at the July 21, 2005 Regular City Council meeting.